

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 22 July 2004 commencing 4pm.



COFFS HARBOUR CITY COUNCIL

**ORDINARY MEETING
(CORPORATE SERVICES COMMITTEE)**

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

1 JULY 2004

Contents

ITEM	DESCRIPTION	PAGE
CORPORATE SERVICES DEPARTMENT REPORTS		
F26	CODE OF MEETING PRACTICE - PUBLIC PARTICIPATION AT COUNCIL MEETINGS	1
F27	CODE OF CONDUCT - USE OF RESOURCES	4
F28	MONTHLY BUDGET REVIEW FOR MAY 2004	6
F29	OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION	8
F30	BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2004	12
CONFIDENTIAL ITEMS		
CITY SERVICES DEPARTMENT REPORTS		
The following items either in whole or in part may be considered in Closed Meeting for the reasons stated:		
A portion of these reports are confidential for the reason of Section 10A(2):		
(d) commercial information of a confidential nature that would, if disclosed:		
(i) prejudice the commercial position of the person who supplied it, or		
(ii) confer a commercial advantage on a competitor of the council, or		
(iii) reveal a trade secret.		
and in accordance with Section 10A (1) the meeting may be closed to the public		
S42	TENDER - ANNUAL CONTRACT FOR SUPPLY & DELIVERY OF AGGREGATE.	15
S43	TENDER - SUPPLY & DELIVERY OF BITUMEN SEALING WORKS.	17



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CORPORATE SERVICES COMMITTEE)
1 JULY 2004

Mayor and Councillors

CORPORATE SERVICES DEPARTMENT REPORTS

F26 CODE OF MEETING PRACTICE - PUBLIC PARTICIPATION AT COUNCIL MEETINGS

Purpose:

To advise of a review of the code as it relates to public participation.

Description of Item:

Council adopted its present code on 23 August 2001 following a review of its currency.

Clause 68 of the code reads as follows:

- ”(1) Any member of the public may address the Council or any one of its committees at the commencement of meetings on matters listed before the Council or committee subject to the following conditions:
- (a) the duration of a public address be limited to five minutes unless varied by the Mayor or Chairperson should circumstances dictate.
 - (b) members of the public wishing to address the Council or a committee are to nominate at least seven (7) days before the meeting and of the issue to be addressed.
 - (c) Speakers and representatives either for or against a proposal be limited to the first meeting at which the report from Council staff is presented for determination.
 - (d) public addresses be limited to ten (10) per meeting and speakers be limited to one ‘for’ and one ‘against’ the proposal.
 - (e) the order of speakers be strictly in order of request and where the issue addressed relates to an application before the Council, the applicant be offered a right of reply.

cont’d

F26 Code of Meeting Practice - Public Participation at Council Meetings (cont'd)

- (f) Approval to late requests to address a meeting of the Council or a committee be at the discretion of the Chairperson of the meeting or the General Manger.
- (2) Any member of the public may address Council at the commencement of the ordinary meeting on matters not listed before the Council subject to conditions outlined in sub-clause (1)."

The purpose of the clause is to provide to Councillors the opportunity for the public to address Council on issues in an orderly fashion.

There are two types of addresses, those that occur as a result of items listed on the meeting business paper and those known as Public Forum for items not listed on the business paper.

Over time the city has grown and the issues before Council have become more complex and there are more public addresses as a result of this growth.

The public address procedure is a very positive approach to public participation and to community involvement and communication. It has to be balanced with Council's obligation to deal with the business before it.

Consultation:

The code specifically deals with the formal procedures for consulting with the public at its Council meetings.

Sustainability Assessment:

- **Environment**

Most issues before Council are relevant to the natural or built environment.

- **Social**

Public participation at Council meetings provides a mechanism for the community to formally address Council on their views on any issue.

- **Financial**

Matters addressed by the public do have financial considerations as does Council's final decision.

Legislative Requirements:

Division 1, Sections 360-364 of the Local Government Act require Council to adopt a Code of Meeting Practice. The Local Government (Meetings) Regulation 1999 provides for the way Council conducts its meetings.

Related Policy and / or Precedents:

Council's Code of Meeting Practice applies.

cont'd

F26 Code of Meeting Practice - Public Participation at Council Meetings (cont'd)

Issues:

The practice of the code at Council and Committee meetings is driven by the Mayor or Chairperson and can be strictly or liberally interpreted.

A practice has developed where a member of the public has been allowed to address Council as a result of a report before Council and at subsequent meeting(s), the same person speaks on the same or associated issue at the Public Forum. It is proposed that Clause 68 of the code be strengthened to remove this opportunity for at least six months.

Council's practice has been to hold the Public Forum at the first meeting of the month. It is proposed that the Clause be strengthened to specifically include this procedure as policy.

Implementation Date / Priority:

The amendment, if adopted, will be implemented from the next Council meeting.

Recommendation:

That Clause 68 Part 2 of Council's Code of Meeting Practice be replaced with the following:

- 2. (a) Any member of the public may address Council at its 'Public Forum' at a time adopted by Council during the first ordinary meeting of the month on a matter not listed before the Council, subject to conditions outlined in Clause 68 Part 1.**
- (b) Speakers are not permitted to speak again at the Public Forum on that matter for a period of six months.**

F27 CODE OF CONDUCT - USE OF RESOURCES

Purpose:

To seek Council approval for Councillors to use tickets available as part of the contract with the Australian Rugby Union.

Description of Item:

Coffs Harbour Future Development Corp Ltd was party to a contract with the Australian Rugby Union to enable the Wallabies to make Coffs Harbour their home base.

The contract provides certain benefits to Coffs Harbour Future Development Corp including tickets to a range of functions and purchase of other tickets.

Coffs Harbour Future Development Corp has been shelved and Coffs Harbour City Council now manages the contract.

Tickets are now available for Councillors on request. Some are for overseas games including airfares.

Council's Code of Conduct does not permit the Councillors using Council resources for private purposes without official permission being obtained.

Council's policy on overseas travel also requires Council approval.

Consultation:

Council's Code of Conduct was formulated after a considerable consultation and training program.

Sustainability Assessment:

- **Social**

The Australian Rugby Union contract has provided a focus on Coffs Harbour that has been of significant benefit and development through exposing Coffs Harbour on the world stage.

- **Economic**

There is to be no cost to Council for a Councillor using tickets.

Related Policy and / or Precedents:

Council's Code of Conduct specifically deals with private use of Council resources if official permission has been obtained.

Councillors' policy on travel overseas requires the approval of Council.

cont'd

F27 Code of Conduct - Use of Resources (cont'd)

Statutory Requirements:

Section 440 of the Local Government Act requires Council to adopt a code of conduct.

Section 352 LGA requires Council to adopt a policy for payment of fees and provision of facilities.

Issues:

Approval for use of resources is generally sought from the General Manger, however, two of the tickets available are for a Wallabies match in New Zealand in July.

Two Councillors have expressed an interest in using this resource and Council's approval is now sought.

Council's policy on Payment of Expenses and Provision of Facilities for Councillors is currently under review and consideration of provision for these occurrences will be included in the view process.

Implementation Date / Priority:

The reservations will be made once Council approves the recommendation.

Recommendation:

That Council approve the allocation of a ticket and airfare each to Cr Rhoades and Cr Ovens to attend the Wallabies' test match against New Zealand in Wellington, New Zealand on Saturday 17 July 2004.

F28 MONTHLY BUDGET REVIEW FOR MAY 2004

Purpose:

To report on the estimated budget position as at 31 May 2004.

Description of Item:

Estimated Budget Position as at 31 May 2004:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget	530,118 (D)	495,527 (S)	172,695 (S)
Approved variations to 30 April 2004	1,455 (D)	222,305 (S)	401,794 (S)
Recommended variations for May 2004	<u>10,000</u> (D)	<u>335,275</u> (S)	<u>7,070</u> (D)
Estimated result 2003/04 as at 31 May 2004	<u>541,573</u> (D)	<u>1,053,107</u> (S)	<u>567,419</u> (S)

General Account

Capital improvement to Rigby House
accommodation - formerly Winning Edge

**Deficit
\$**

10,000 (D)

**Surplus
\$**

Water Account

Reduced contribution required from Water
Fund to meet Meter Reading requirement

40,000 (S)

Surplus in Water Sales

300,000 (S)

Additional contribution to Election Expenses

4,725 (D)

Total Water

4,725 (D)

340,000 (S)

Sewer Account

Additional contribution to Election Expenses

7,070 (D)

Sustainability Assessment:

This report is one of procedure only.

- **Environment**

There are no perceived short or long-term environmental impacts.

cont'd

F28 Monthly Budget Review for May 2004 (cont'd)

- **Social**

There are no perceived short or long term social impacts.

- **Economic**

Management Plan Implications

The sustainability of the revised general fund budget deficit needs to be assessed in conjunction with the projected deficits from the Adopted 2003-2006 Management Plan. Increased surpluses in the Water and Sewer funds are required to finance major capital works to be undertaken in future years.

For any substantial budget adjustments the associated council report will address the TBL factors independently.

Consultation:

Managers have been provided with budget analysis reports for each program. Requested variations and variations adopted by Council have been included in the report.

Recommendation:

That the estimated budget position as at 31 May 2004, as follows, be noted:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget	530,118 (D)	495,527 (S)	172,695 (S)
Approved variations to 30 April 2004	1,455 (D)	222,305 (S)	401,794 (S)
Recommended variations for May 2004	<u>10,000</u> (D)	<u>335,275</u> (S)	<u>7,070</u> (D)
Estimated result 2003/04 as at 31 May 2004	<u>541,573</u> (D)	<u>1,053,107</u> (S)	<u>567,419</u> (S)

F29 OUTSTANDING REPORTS AND RESOLUTIONS AWAITING IMPLEMENTATION

Purpose:

To provide Council with an update of requests for reports and previous resolutions to Council awaiting implementation.

Description of Item:

As a process of ensuring that reports requested by Council are submitted and that resolutions are put into effect, Council has resolved that a report be submitted on the progress of each.

Sustainability Assessment:

The sustainability issues will have been addressed in reports prior to resolutions being adopted or will come forward in the reports yet to be submitted.

Consultation:

To prepare this report the updated information is supplied by the Departments to the Executive Team prior to the submission of this report.

Related Policy and / or Precedents:

Council has adopted this procedure to ensure public accountability.

Statutory Requirements:

Reports to Council are provided for in the Local Government (Meetings) Regulations 1999 and Code of Meeting Practice.

Issues:

Individual comment is made on the attached list of outstanding matters.

Implementation Date / Priority:

Implementation and priority is dependent on a range of factors and circumstances.

Recommendation:

That the reported be noted.

Attachments:

OUTSTANDING REPORTS

Meeting date:	Report required on	Current Position
Planning Environment and Development		
27/1/00	19 - PED.1 - DA NO. 247/95, Expansion of Waste Management Facility, Englands Road. Further report on the possibility of a quarry on the waste disposal facility site be brought back to Council.	To be considered as part of the EIS for the Regional Waste Processing Facility
23/5/02	64 - Review of Coffs Harbour City Local Environmental Plan 2000 5. That a report be brought back to Council on the ambiguities in the 3D Tourist Service Centre Zone.	Report can be submitted to Council after discussions with Woolgoolga Business Lands Working Group; the Group has suspended its work until the Highway issue is resolved.
23/1/03	7 - PED3 - Park Beach Development Control Plan. That a report on Precinct 2 be presented to Council following further negotiations with DIPNR on the Development Control Plan for this Precinct.	Meeting held with DIPNR; DIPNR require further information which has been sent.
19/6/03	T34 - Regional Waste Management. A further report be presented to Council at such time as the level of funding has been determined by MIDWASTE.	Report to be prepared for PED meeting.
20/5/04	T10 - Rural Lands Strategic Plan - Non Statutory Public Assessment. Report back to July Planning Environment and Development Committee on recommended course of action following workshop with members of previous Rural Lands Strategic Planning Committee to review findings and recommendations of the Commissioners' report.	Workshop with Rural Lands Strategic Planning Committee to be held on 30 June 2004
City Services		
10/8/00	EN75 Trade Waste Policy. A report be presented on a review of Category 3 discharge management and fees for industries within the city connected to the sewerage system.	Progress report July 2004
11/4/02	CW21 - Transport & Drainage Asset Management Report 2002/2003. That a report be brought back regarding formation of a working group to examine in detail ways that income streams might be sourced to overcome the problem of maintenance and repairs.	Integrated Local Transport plan - 12 months (commencing Jul/Aug '04)

Meeting date:	Report required on	Current Position
17/4/03	EN13 - 19 Traffic Committee T.20 Harbour Drive, Coffs Harbour - Traffic Calming/Speed Limits. Report back to Council regarding the extension of the 40km/h zone into Orlando Street to an area at or adjacent to the Pet Porpoise Pool.	Report to City Services Committee in July '04
5/6/03	F62 - 38 - Sea Release : Alliance Contract That a report be brought back to Council regarding restoration and upgrade works at Corambirra Point, in particular, the Gallows outfall.	Report to City Services Committee in July '04

RESOLUTIONS OF COUNCIL AWAITING IMPLEMENTATION

ECONOMIC AND COMMUNITY ENTERPRISES COMMITTEE - 28 FEBRUARY 2002

- **16 – 2 - Delegation to Sasebo City, for 100th Anniversary of Municipalisation**

That Council revisit the current policy with regards to travel and reimbursement for both Councillors and their partners with a view to include the provisions for this local government area, Australia and international travel.

Report on the review of Councillors' Facilities Policy to be presented to the August meeting of Council. Draft Policy has been distributed to Councillors for comment.

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE 18 DECEMBER 2003

- **T92 - PED94 - Development Potential: Lot 1 and Lot 2, DP 840016, Pacific Highway, Emerald Beach**

2. That prior to Council making a decision on the development potential of Lot 1 and Lot 2, DP 840016, Pacific Highway, Emerald Beach, a preliminary urban land capability assessment be undertaken on land within the City (especially land in the Northern Beaches) and a report be brought back to Council within three months.

A report is being prepared for July Planning Committee meeting.

PLANNING ENVIRONMENT AND DEVELOPMENT COMMITTEE - 20 MAY 2004

- **T8 - PED12 - Development Application No. 1406/04 - 29 Place Child Care Centre - lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour**

That Development Application No 1406/04 for a Child Care Centre on Lot 20, DP 1058434, 15 William Sharp Drive, Coffs Harbour be deferred pending investigation on the basis of safety and public liability issues.

F30 BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2004

Purpose:

To list Council's Bank Balances and Investments as at 31 May 2004.

Description of Item:

A copy of the state of Bank Balances and Investments as at 31 May 2004 is attached.

Sustainability Assessment:

- **Environment**

There are no perceived current or future environmental impacts.

- **Social**

There are no perceived current or future social impacts.

- **Economic**

Broader Economic Implications

Council's investments are held according to the requirements stated within Council's investment policy and the returns are acceptable in relation thereto.

Recommendation:

That the Bank Balances and Investments totalling one hundred and thirteen million, five hundred and eighty-four thousand, four hundred and eighty-four dollars (\$113,584,484) as at 31 May be noted.

Kyme Lavelle
Director of Corporate Services

Attachments:

**WARRANT NO 11/2004 - COFFS HARBOUR CITY COUNCIL
STATEMENT OF BANK BALANCES AS AT 31/05/04**

Fund/Account	Balance at 1/05/04	Receipts to 31/05/04	Payments to 31/05/04	Balance At 31/05/04
GENERAL FUND	4,543,011	10,372,031	8,821,824	6,093,218
TRUST FUND	208,133	902	0	209,035
TOTAL OF ALL BANK ACCOUNTS	4,751,144	10,372,933	8,821,824	6,302,253

INVESTMENTS REPORT - 31/05/04


1. PRINCIPAL BALANCES/INTEREST EARNED

	Princ/Int Balance 1/05/04	Interest Added to	Transfer To (From)	Princ/Int Balance 31/05/04	Interest Earned - May	Interest Earned Yr to Date
	\$	\$	\$	\$	\$	\$
a Cash Plus Funds						
Alliance	0	0		0	0	264,637
ANZ Cash Plus	10,096,394	51,804		10,148,198	51,804	576,520
UBS Credit Enhan.	20,809,395	106,903		20,916,298	106,903	1,074,654
Macquarie	20,097,575	93,089		20,190,664	93,089	1,041,039
Macquarie Inc. Plus	4,292,342	20,860		4,313,202	20,860	75,356
Deutsche	20,144,572	98,470		20,243,042	98,470	1,084,486
Perennial Cash Enh.	10,410,052	53,176		10,463,228	53,176	463,228
CFS	0	0		0	0	66,210
	85,850,330	424,302	0	86,274,632	424,302	4,646,130
b Credit Unions						
BCCU	2,000,065	10,736		2,000,065	10,736	100,228
CPS Credit Union	0	0		0	0	0
BCCU	6,000,000	32,614		6,000,000	32,614	308,704
	8,000,065	43,349		8,000,065	43,349	408,932
c Floating Rate Notes						
Morgan Stanley	0	0		0	0	116,517
Merril Lynch	0	0		0	0	146,198
Shield Series	7,000,000	38,119		7,000,000	38,119	100,830
	7,000,000	38,119		7,000,000	38,119	363,546
d Term Deposits						
Commonwealth	6,007,534	27,093		6,007,534	27,093	296,277
	6,007,534	27,093		6,007,534	27,093	296,277
e Cash						
Westpac-O'night	4,751,144	Working funds balances -- can vary daily		6,302,253	24,227	193,341
Westpac-Cash Fund	0		0	0	9,229	
	4,751,144		0	6,302,253	24,227	202,570
TOTALS	111,609,073			113,584,484	557,090	5,917,454

2. PERFORMANCE REVIEW TO May 2004

PERIOD ENDING	11m Indicative Cash Rate (avg)	Wpac O'Nite	UBSWA BANK BILL INDEX	RETURN - ANNUALISED (before fees) %									
				Cash Plus Funds						Cr Unions		CDO	
				DEUT	MACQ	ALLIANCE	PERENNIAL	ANZ	UBS	BCCU \$2M \$6M		Shield Series (CTB) \$7m	
1 mths	5.25	5.10	5.71	6.42	5.95	5.92	6.42	6.44	6.55	6.32	6.40	6.38	
3 mths	5.25	5.11	5.69	6.45	6.31	6.16	6.93	6.26	6.28	6.32	6.17	-	
6 mths	5.25	5.10	5.61	6.31	6.09	5.44	6.75	6.19	6.19	6.08	6.03	-	
12 mths	5.03	4.80	5.24	6.12	5.86	5.37	6.20	5.93	6.09	5.49	5.61	-	

I hereby certify that Council's investments have been made in accordance with the Local Government Act, 1993, Regulation and Council's Investment Policy.


 Responsible Accounting Officer

CITY SERVICES DEPARTMENT REPORTS

S42 TENDER - ANNUAL CONTRACT FOR SUPPLY & DELIVERY OF AGGREGATE.

Purpose:

To obtain Council approval to accept a tender for the supply and delivery of aggregates for the 2004/2005 financial year.

Description of Item:

Tenders were called and closed on 1 June, 2004 for the supply and delivery of aggregates.

In order that Council obtains the best value, the tender was divided into two parts. Part 1 of the tender is for supply in the Coffs Harbour/Sawtell area and Part 2 is for supply in the Woolgoolga/Northern Beaches area.

Two tenders were received as follows, both tendering on Parts 1 and 2:

1. Coastal Homesites Pty Ltd, trading as Woolgoolga Quarries.
2. Readymix Holdings Pty Ltd

Sustainability Assessment:

- **Environment**

Both quarries operate in accordance with the NSW Department of Mineral Resources operational and environmental guidelines. The rate of use that Council proposes of this non renewable resource is within both quarries operating licenses. Outside the quarry boundaries there are no environmental impacts.

- **Social**

The aggregates supplied under this contract are mostly used for bitumen sealing of road pavements. Sealing provides a durable pavement surface, improving road conditions and safety for the community.

- **Economic**

Both quarries are located locally, thus supporting local community employment and business.

The funds for supply and delivery of aggregates are available in the 2004/05 Works Program.

Related Policy and / or Precedents:

Tendering procedures were carried out in accordance with Council's policy. Council's Tender Evaluation System has been applied during the tender review process, as detailed in the attachment.

cont'd

S42 Tender - Annual Contract for Supply & Delivery of Aggregate. (cont'd)

Statutory Requirements:

The calling, receiving, opening and reviewing of tenders were carried out in accordance with the Local Government (Tendering) Regulations.

Implementation Date / Priority:

The contract to supply and deliver aggregates is an annual contract and should be awarded no later than early September to allow the resealing program to commence when the weather is suitable in October. The due date for practical completion of the contract is 30 June, 2005.

Recommendation:

1. a) That Council accept the schedule of rates tendered by Readymix Holdings Pty Ltd, ACN 099 732 297 for Part 1, Contract 04/05-166-TO, Supply and Delivery of Aggregate, for a schedule of rates amount of \$219,425 including GST on the basis that it is most advantageous tender.
b) That the contract documents be executed under the Common Seal of Council.
2. a) That Council accept the schedule of rates tendered by Coastal Homesites T/A Woolgoolga Quarry, ACN 099 732 297 for Part 2, Contract 04/05-166-TO, Supply and Delivery of Aggregate, for a schedule of rates amount of \$43,422.50 including GST on the basis that it is most advantageous tender.
b) That the contract documents be executed under the Common Seal of Council.

S43 TENDER - SUPPLY & DELIVERY OF BITUMEN SEALING WORKS.

Purpose:

To obtain Council approval to accept a tender for the supply and delivery of bitumen sealing works for the 2004/2005 financial year.

Description of Item:

Tenders were called and closed on 1 June, 2004 for the supply and delivery of spray bitumen sealing.

Three tenders were received from:

1. Boral Asphalt
2. Pioneer Road Services Pty Ltd
3. Sami Pty Ltd

Sustainability Assessment:

- **Environment**

Bitumen is a petroleum based, non renewable resource. Historically the product has provided a very effective and economical waterproof seal to gravel road pavements. Unfortunately at this time there are no other comparable materials that perform the same function as bitumen when sealing roads.

To avoid the bitumen becoming airborne no spraying is undertaken in windy conditions.

- **Social**

Spray bitumen sealing is necessary to maintain a trafficable surface on Council's road network. Safety and driving conditions are improved and the likelihood of dangerous pavement failures is reduced.

- **Economic**

Undertaking periodic bitumen sealing on the road network extends the life of the road and ultimately provides economic benefit by reducing the overall whole of life costs of the road.

Funds for the supply and delivery of bitumen sealing works are available in the 2004/2005 Works Program.

With the local company of Boral Asphalt being recommended for the award of the contract, the local community benefits through employment opportunities and support to other local businesses.

cont'd

S43 Tender - Supply & Delivery of Bitumen Sealing Works. (cont'd)

Related Policy and / or Precedents:

Tendering procedures were carried out in accordance with Council's policy. Council's Tender Evaluation System has been applied during the tender review process, as detailed in the attachment.

Statutory Requirements:

The calling, receiving, opening and reviewing of tenders were carried out in accordance with the Local Government (Tendering) Regulations.

Implementation Date / Priority:

The contract to supply and deliver bitumen sealing works is an annual contract and should be awarded no later than early August to allow the resealing program to commence when the weather is suitable in September. The due date for practical completion of the contract is 30 June, 2005.

Recommendation:

- 1. That Council accept the schedule of rates tendered by Boral Asphalt, ACN 000 102 376, for the supply and delivery of spray bitumen sealing works, Contract No. 04/05-167-TO for a schedule of rates amount of \$745,432 including GST on the basis that it is the most advantageous tender.**
- 2. That the contract documents be executed under the Common Seal of Council.**

Stephen Sawtell
Director of City Services